

FORTY-SECOND DAY - MARCH 16, 2004**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 2004

PRAYER

The prayer was offered by Pastor Steve Eggum, First Baptist Church, Tekamah.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Landis who was excused; and Senators Brashear, Bromm, Brown, Byars, and Mines who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 1005. Placed on Select File as amended.

(E & R amendment, AM7186, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 868. Placed on Select File as amended.

E & R amendment to LB 868:

AM7187

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 79-201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-201. (1) For purposes of this section:
- 6 (a) Prior to July 1, 2005, a child is of mandatory
- 7 attendance age if the child (i) has reached seven years of age,
- 8 (ii) did not reach sixteen years of age prior to the effective date
- 9 of this act, and (iii) has not reached eighteen years of age; and

10 (b) On and after July 1, 2005, a child is of mandatory
11 attendance age if the child (i) will reach six years of age prior
12 to January 1 of the current school year, (ii) did not reach sixteen
13 years of age prior to the effective date of this act, and (iii) has
14 not reached eighteen years of age.
15 (2) Except as provided in ~~section 79-202~~ subsection (3)
16 of this section, every person residing in a school district within
17 the State of Nebraska who has legal or actual charge or control of
18 any child who is ~~not less than seven years of age and not more than~~
19 ~~sixteen years of age or who is younger than seven years of age and~~
20 ~~is of mandatory attendance age or is enrolled in any a public~~
21 ~~school shall cause such child to enroll in, if such child is not~~
22 ~~enrolled, and~~ attend regularly ~~the~~ a public, private,
23 denominational, or parochial day ~~schools~~ school which ~~meet~~ meets
24 the requirements for legal operation prescribed in Chapter 79, or a
25 school which elects pursuant to section 79-1601 not to meet
26 accreditation or approval requirements, each day that such ~~schools~~
27 ~~are~~ school is open and in session, except when excused by school
28 authorities or when illness or severe weather conditions make
29 attendance impossible or impracticable.
30 (3) Subsection (2) of this section does not apply in the
31 case of any child who:
32 (a) Has obtained a high school diploma by meeting the
33 graduation requirements established in section 79-729;
34 (b) Has completed the program of instruction offered by a
35 school which elects pursuant to section 79-1601 not to meet
36 accreditation or approval requirements;
37 (c) Has reached the age of eighteen years;
38 (d) Has reached the age of sixteen years and such child's
39 parent or guardian has signed a notarized waiver on a waiver form
40 provided by the school;
41 (e) Will reach six years of age prior to January 1 of the
42 current school year, but will not reach seven years of age prior to
43 January 1 of the current school year, and such child's parent or
44 guardian has signed an affidavit stating that the child is
45 participating in an education program that the parent or guardian
46 believes will prepare the child to enter grade one for the
47 following school year; or
48 (f) Will not reach six years of age prior to January 1 of
49 the current school year and such child was enrolled in a public
50 school and has discontinued the enrollment according to the policy
51 of the school board adopted pursuant to subsection (4) of this
52 section.
53 (4) The board shall adopt policies allowing
54 discontinuation of the enrollment of students who will not reach
55 six years of age prior to January 1 of the current school year and
56 specifying the procedures therefor. ; unless such child has
57 graduated from high school. Any person with legal or actual charge
58 or control of a child younger than seven years of age who is

8 enrolled in a public school may discontinue the enrollment of such
9 child pursuant to the policy of the school board. All school
10 boards shall adopt policies allowing discontinuation of the
11 enrollment of students younger than seven years of age and
12 specifying the procedures therefor.

13 The school term shall be as provided in section 79-211.

14 Sec. 2. Original section 79-201, Reissue Revised
15 Statutes of Nebraska, is repealed.

16 Sec. 3. The following section is outright repealed:

17 Section 79-202, Reissue Revised Statutes of Nebraska."

18 2. On page 1, strike beginning with "sections" in line 1
19 through line 4 and insert "section 79-201, Reissue Revised Statutes
20 of Nebraska; to change and eliminate provisions relating to
21 compulsory education and truancy; to harmonize provisions; to
22 repeal the original section; and to outright repeal section 79-202,
23 Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 599. Placed on Select File as amended.

E & R amendment to LB 599:

AM7188

1 1. In the Standing Committee amendment, AM2502:

2 a. Renumber section 4 as section 5 and renumber section
3 5 as section 4;

4 b. On page 4, line 20; and page 7, line 18, strike

5 "act", show as stricken, and insert "Engineers and Architects
6 Regulation Act"; and

7 c. On page 8, line 7, strike "(8)", show as stricken,
8 and insert "(9)".

9 2. On page 1, strike beginning with "section" in line 1
10 through "2002" in line 4 and insert "sections 81-3445 and 81-3451,
11 Reissue Revised Statutes of Nebraska, sections 2-3256 and 81-3449,
12 Revised Statutes Supplement, 2002, and section 81-3453, Revised
13 Statutes Supplement, 2003"; and in line 5 after the semicolon
14 insert "to change eligibility requirements for the engineering
15 examination;"

LEGISLATIVE BILL 599A. Placed on Select File.

LEGISLATIVE BILL 315. Placed on Select File as amended.

E & R amendment to LB 315:

AM7189

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 33-133, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 33-133. Except as otherwise provided in this section,
6 notaries public may charge and collect fees as follows: For each
7 protest, one dollar; for recording the same, two dollars; for each
8 notice of protest, two dollars; for taking affidavits and seal, two

9 dollars; for administering oath or affirmation, two dollars; ~~for~~
10 ~~taking deposition, for each one hundred words contained in such~~
11 ~~deposition and in the certificate, one dollar and no more;~~ for each
12 certificate and seal, five dollars; for taking acknowledgment of
13 deed or other instrument, five dollars; and for each mile traveled
14 in serving notice, mileage at the rate provided in section 81-1176.
15 An employee of the state or its political subdivisions may not
16 charge the fees prescribed in this section if his or her
17 governmental employer paid the commission and bonding fees required
18 of notaries public.

19 Sec. 2. Section 64-101, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 ~~64-101. (1) The Governor is hereby authorized to~~
22 Secretary of State may appoint and commission such number of
23 persons to the office of notary public as he ~~shall deem~~ or she
24 deems necessary.

1 (2) There shall be one class of such appointments which
2 shall be valid in the entire state and referred to as general
3 notaries public.

4 (3) The term effective date, as used with reference to a
5 commission of a notary public, shall mean the date of the
6 commission unless the commission ~~shall state~~ states when it goes
7 into effect, in which event that date shall be the effective date.

8 (4) A general commission may refer to the office as
9 notary public and shall contain a provision showing that the person
10 therein named is authorized to act as a notary public anywhere
11 within the State of Nebraska or, in lieu thereof, may contain the
12 word general or refer to the office as general notary public.

13 (5) No person shall be appointed a notary public unless
14 ~~his or her application is accompanied by the petition of at least~~
15 ~~twenty-five legal voters of the county in which he or she resides.~~
16 he or she has taken and passed a written examination on the duties
17 and obligations of a notary public as provided in section 3 of this
18 act.

19 (6) No appointment shall be made if such applicant has
20 been convicted of a felony or other crime involving fraud or
21 dishonesty.

22 (7) No appointment shall be made until such applicant
23 ~~shall have~~ has attained the age of nineteen years nor unless such
24 applicant ~~shall certify~~ certifies to the ~~Governor~~ Secretary of
25 State under oath that he or she has carefully read and understands
26 the laws relating to the duties of notaries public and will, if
27 commissioned, faithfully discharge the duties pertaining to ~~said~~

1 the office and keep records according to law.
2 ~~(7)~~ (8) Each person appointed a notary public shall hold
3 office for a term of four years from the effective date of his or
4 her commission unless sooner removed.

5 Sec. 3. The written examination required by section
6 64-101 shall be developed and administered by the Secretary of

7 State and shall consist of questions relating to laws, procedures,
8 and ethics for notaries public. All applicants for commission as a
9 notary public on and after the effective date of this act shall be
10 required to take and pass the examination prior to being
11 commissioned.

12 Sec. 4. Section 64-102, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 64-102. Any person may apply for a commission
15 authorizing the applicant to act as a notary public anywhere in the
16 State of Nebraska, and thereupon the ~~Governor~~ Secretary of State
17 may, at his or her discretion, issue a commission authorizing such
18 notary public to act as such anywhere in the State of Nebraska. A
19 general commission shall not authorize the holder thereof to act as
20 a notary public anywhere in the State of Nebraska until a bond in
21 the sum of ~~ten~~ fifteen thousand dollars, with an incorporated
22 surety company as surety, has been executed and approved by and
23 filed in the office of the Secretary of State. Upon the filing of
24 such bond with the Secretary of State and the issuance of such
25 commission, such notary public shall be authorized and empowered to
26 perform any and all the duties of a notary public in any and all
27 the counties in the State of Nebraska. Such bond shall be
1 conditioned for the faithful performance of the duties of such
2 office. Such person so appointed to the office of notary public
3 shall make oath or affirmation, to be endorsed on such bond, and
4 subscribed by him or her before some officer authorized by law to
5 administer oaths, and by him or her certified thereon, that he or
6 she will support the Constitution of the United States and the
7 Constitution of ~~the State of~~ Nebraska; and will faithfully and
8 impartially discharge and perform the duties of the office of
9 notary public.

10 Sec. 5. Section 64-103, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 64-103. When any person is appointed to the office of
13 notary public, the ~~Governor~~ Secretary of State shall cause his or
14 her signature or a facsimile thereof to be affixed to the
15 commission and ~~deliver the same to the Secretary of State. Upon~~
16 ~~the receipt of the commission by the secretary,~~ he or she shall
17 affix thereto the great seal of the state. Upon the filing and
18 approval of the bond, as provided for in section 64-102, the
19 Secretary of State shall mail or deliver the commission to the
20 applicant. The form and format of the commission shall be
21 prescribed by the Secretary of State, ~~on behalf of the Governor.~~

22 Sec. 6. (1) A notary public shall not perform any
23 notarial act as authorized by Chapter 64, articles 1 and 2, if the
24 principal:

25 (a) Is not in the presence of the notary public at the
26 time of the notarial act; and

27 (b) Is not personally known to the notary public or
1 identified by the notary public through satisfactory evidence.

2 (2) For purposes of this section:

3 (a) Identified by the notary public through satisfactory
4 evidence means identification of an individual based on:

5 (i) At least one document issued by a government agency
6 that is current and that bears the photographic image of the
7 individual's face and signature and a physical description of the
8 individual, except that a properly stamped passport without a
9 physical description is satisfactory evidence; or

10 (ii) The oath or affirmation of one credible witness
11 unaffected by the document or transaction to be notarized who is
12 personally known to the notary public and who personally knows the
13 individual, or the oaths or affirmations of two credible witnesses
14 unaffected by the document or transaction to be notarized who each
15 personally knows the individual and shows to the notary public
16 documentary identification as described in subdivision (a)(i) of
17 this subsection; and

18 (b) Personal knowledge of identity or personally known
19 means familiarity with an individual resulting from interactions
20 with that individual over a period of time sufficient to dispel any
21 reasonable uncertainty that the individual has the identity
22 claimed.

23 Sec. 7. A notary public is disqualified from performing
24 a notarial act as authorized by Chapter 64, articles 1 and 2, if
25 the notary:

26 (1) Will receive as a direct or indirect result any
27 commission, fee, advantage, right, title, interest, cash, property,
1 or other consideration exceeding in value the fees specified in
2 section 33-133, except that licensed real estate agents and brokers
3 and employees of licensed and regulated professional organizations,
4 sole proprietorships, or other business organizations, including,
5 but not limited to, attorneys, financial institutions, and
6 accounting firms, shall be exempt from this subdivision; or

7 (2) Is a spouse, ancestor, descendant, or sibling of the
8 principal, including in-law, step, or half relatives.

9 Sec. 8. (1) A notary public may certify the affixation
10 of a signature by mark on a document presented for notarization if:

11 (a) The mark is affixed in the presence of the notary
12 public and of two witnesses unaffected by the document;

13 (b) Both witnesses sign their own names beside the mark;

14 (c) The notary public writes below the mark: "Mark
15 affixed by (name of signer by mark) in presence of (names and
16 addresses of witnesses) and undersigned notary public"; and

17 (d) The notary public notarizes the signature by mark
18 through an acknowledgment, jurat, or signature witnessing.

19 (2) A notary public may sign the name of a person
20 physically unable to sign or make a mark on a document presented
21 for notarization if:

22 (a) The person directs the notary public to do so in the
23 presence of two witnesses unaffected by the document;

24 (b) The notary public signs the person's name in the
25 presence of the person and the witnesses;

26 (c) Both witnesses sign their own names beside the
27 signature;

1 (d) The notary public writes below the signature:
2 "Signature affixed by notary public in the presence of (names and
3 addresses of person and two witnesses)"; and

4 (e) The notary public notarizes the signature through an
5 acknowledgment, jurat, or signature witnessing.

6 Sec. 9. (1) A notary public who is not an attorney shall
7 not engage in the unauthorized practice of law as provided in this
8 section.

9 (2) If notarial certificate wording is not provided or
10 indicated for a document, a notary public who is not an attorney
11 shall not determine the type of notarial act or certificate to be
12 used.

13 (3) A notary public who is not an attorney shall not
14 assist another person in drafting, completing, selecting, or
15 understanding a document or transaction requiring a notarial act.

16 (4) A notary public who is not an attorney shall not
17 claim to have powers, qualifications, rights, or privileges that
18 the office of notary public does not provide, including the power
19 to counsel on immigration matters.

20 (5) A notary public who is not an attorney and who
21 advertises notarial services in a language other than English shall
22 include in any advertisement, notice, letterhead, or sign a
23 statement prominently displayed in the same language as follows:
24 "I am not an attorney and have no authority to give advice on
25 immigration or other legal matters".

26 (6) A notary public who is not an attorney may not use
27 the term notario publico or any equivalent non-English term in any
1 business card, advertisement, notice, or sign.

2 (7) This section does not preclude a notary public who is
3 duly qualified, trained, or experienced in a particular industry or
4 professional field from selecting, drafting, completing, or
5 advising on a document or certificate related to a matter within
6 that industry or field.

7 (8) A violation of any of the provisions of this section
8 shall be considered the unauthorized practice of law and subject to
9 the penalties provided in section 7-101.

10 Sec. 10. A notary public shall notify the Secretary of
11 State of any change of his or her residence no later than
12 forty-five days after such change. Information provided on the
13 change-of-address form shall include the notary public's name as it
14 appears on his or her commission, the date the commission expires,
15 and the notary public's new address. The Secretary of State shall
16 prescribe forms consistent with the requirements of this section.

17 Sec. 11. Section 64-113, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 64-113. (1) Whenever charges of malfeasance in office
20 ~~shall be~~ are preferred to the ~~Governor~~ Secretary of State against
21 any notary public in this state, or whenever the ~~Governor shall~~
22 ~~have~~ Secretary of State has reasonable cause to believe any notary
23 public in this state is guilty of acts of malfeasance in office, ~~he~~
24 the Secretary of State may appoint any disinterested person, not
25 related by consanguinity to either the notary public or person
26 preferring the charges, and authorized by law to take testimony of
27 witnesses by deposition, to notify such notary public to appear
1 before him or her on a day and at an hour certain, after at least
2 ten days from the day of service of such notice. ~~He~~ Such appointee
3 may summon witnesses, in the manner provided by section 64-108, to
4 appear ~~before him~~ at the time specified in ~~said~~ the notice, and he
5 or she may take the testimony of such witnesses in writing, in the
6 same manner as is by law provided for taking depositions, and
7 certify the same to the ~~Governor~~ Secretary of State. The notary
8 public may appear, at such time and place, and cross-examine
9 witnesses, and produce witnesses in his or her behalf, which
10 cross-examination and testimony shall be likewise certified to the
11 ~~Governor~~ Secretary of State. Upon the receipt of such examination,
12 duly certified in the manner prescribed for taking depositions to
13 be used in suits in the district courts of this state, the ~~Governor~~
14 Secretary of State shall examine the same, and if therefrom he or
15 she is ~~shall be~~ satisfied that the charges are substantially
16 proved, he or she may remove the person charged from the office of
17 notary public or temporarily revoke such person's commission.
18 Within ~~thirty fifteen~~ thirty days ~~from after~~ after such removal or revocation
19 and notice thereof, such notary public shall deposit, with the
20 Secretary of State, ~~his~~ the commission as notary public and
21 notarial seal. The commission shall be canceled or temporarily
22 revoked by the Secretary of State. ~~Thereafter such~~ A person so
23 removed from office shall be forever disqualified from holding the
24 office of notary public. A person whose commission is temporarily
25 revoked shall be returned his or her commission and seal upon
26 completion of the revocation period and passing the examination
27 described in section 3 of this act. The fees for taking such
1 testimony shall be paid by the state at the same rate as fees for
2 taking depositions by notaries public. The failure of the notary
3 public to deposit his or her commission and seal with the Secretary
4 of State as required by this section shall subject him or her to a
5 penalty of ~~two hundred~~ one thousand dollars, to be recovered in the
6 name of the state.

7 (2) For purposes of this section, malfeasance in office
8 means, while serving as a notary public, (a) failure to follow the
9 requirements and procedures for notarial acts provided for in
10 Chapter 64, articles 1 and 2, or (b) being convicted of a felony or
11 other crime involving fraud or dishonesty.

12 Sec. 12. Section 64-210, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 64-210. (1) Each notary public, before performing any
 15 duties of his or her office, shall provide himself or herself with
 16 an official seal on which shall appear the words State of Nebraska,
 17 General Notary or State of Nebraska, General Notarial, and his or
 18 her name, and in addition, at his or her option, the date of
 19 expiration of his or her commission. A ; ~~PROVIDED~~, a notary public
 20 may use the initial letters of his or her first name and middle
 21 name. A notary public shall authenticate all his or her official
 22 acts with such seal. Under his or her official signature, on all
 23 certificates of authentication made by him or her, ~~he~~ a notary
 24 public shall write, stamp, or otherwise show the date when his or
 25 her term of office as such notary public will expire if such date
 26 of expiration is not engraved on the seal.

27 (2) The official seal of a notary public ~~shall be~~ ~~may be~~
 1 ~~either an engraved or ink stamp seal with which he or she shall~~
 2 ~~authenticate all of his or her official acts, ; PROVIDED, that~~
 3 ~~every notary who receives a commission, either new or renewal, on~~
 4 ~~or after January 1, 1972, shall use an ink stamp seal to~~
 5 ~~authenticate any instrument.~~

6 Sec. 13. The Revisor of Statutes shall assign sections 3
 7 and 6 to 10 of this act to Chapter 64, article 1.

8 Sec. 14. Original sections 33-133, 64-101 to 64-103,
 9 64-113, and 64-210, Reissue Revised Statutes of Nebraska, are
 10 repealed."

11 2. On page 1, line 2, strike ", 64-102" and insert "to
 12 64-103"; and in line 4 after "to" insert "fees,".

LEGISLATIVE BILL 837. Placed on Select File.

LEGISLATIVE BILL 824. Placed on Select File.

LEGISLATIVE BILL 997. Placed on Select File.

LEGISLATIVE BILL 890. Placed on Select File as amended.

E & R amendment to LB 890:

AM7190

1 1. On page 3, lines 1 and 2, after "as" insert "a".

LEGISLATIVE BILL 845. Placed on Select File.

LEGISLATIVE BILL 884. Placed on Select File as amended.

E & R amendment to LB 884:

AM7194

1 1. On page 25, line 17; page 38, line 10; page 40, line
 2 14; and page 41, line 2, strike "said", show as stricken, and
 3 insert "such".

4 2. On page 37, line 18, after "commissions" insert an
 5 underscored comma.

6 3. On page 38, line 6, strike the comma and show as
 7 stricken.

8 4. On page 40, lines 11 and 12, strike "or equivalent"

9 commercial insurance policies"; in line 15 strike the underscored
10 comma; and in lines 20 and 21, strike "sections 84-1201 to
11 84-1220", show as stricken, and insert "the Records Management
12 Act".

LEGISLATIVE BILL 980. Placed on Select File as amended.
E & R amendment to LB 980:
AM7192

- 1 1. On page 3, line 20, strike the first comma.

LEGISLATIVE BILL 1099. Placed on Select File.

LEGISLATIVE BILL 955. Placed on Select File as amended.
E & R amendment to LB 955:
AM7193

- 1 1. On page 1, strike beginning with the comma in line 1
2 through the first comma in line 2; and in line 4 strike beginning
3 with the first comma through the last comma.

LEGISLATIVE BILL 902. Placed on Select File.

LEGISLATIVE BILL 939. Placed on Select File.

LEGISLATIVE BILL 832. Placed on Select File as amended.
E & R amendment to LB 832:
AM7191

- 1 1. On page 1, strike beginning with "section" in line 2
2 through the first "and" in line 3.

LEGISLATIVE BILL 914. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 999.

ER9110

Enrollment and Review Change to LB 999

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bourne amendment, AM2839, section 21 has been renumbered as section 20.

2. In the Quandahl amendment, AM2778, section 57 has been renumbered as section 56.

3. In the E & R amendments, AM7175:

- a. On page 1, line 16, "9-701," has been inserted after the third comma; in line 19 "8-208," has been struck; and in line 23 "30-3897," has been struck; and

- b. On page 2, lines 1 and 2, "trust companies," has been struck; in line 3

"gift enterprises," has been inserted after the second comma; in line 5 "Codes" has been struck and "Code" inserted; in line 12 "to eliminate currency transaction reporting provisions;" has been inserted after the second semicolon; and in line 13 "to outright repeal sections 8-1801 to 8-1807, Reissue Revised Statutes of Nebraska;" has been inserted after the second semicolon.

4. In the Standing Committee amendment, AM2339, on page 32, line 20, "32 to 43, and 55" has been struck and "31 to 42, and 54" inserted; and in line 21 "30 and 56" has been struck and "29 and 55" inserted.

5. On page 17, line 14, "19" has been struck and "18" inserted.

6. On page 30, line 1, "18" has been struck and "17" inserted; and in line 2 "18 to 20" has been struck and "17 to 19" inserted.

7. On page 31, line 16; and page 33, line 26, "18" has been struck and "17" inserted.

8. On page 58, line 19, "4, 6" has been struck and "5" inserted; and in line 25 "9-701," has been inserted after the last comma.

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 916. Title read. Considered.

The Standing Committee amendment, AM2826, printed separately and referred to on page 818, was considered.

Senator Schrock renewed his pending amendment, AM3030, found on page 971, to the Standing Committee amendment.

The Schrock amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 917. Placed on General File.

LEGISLATIVE BILL 1144. Placed on General File.

LEGISLATIVE BILL 1071. Placed on General File as amended.

Standing Committee amendment to LB 1071:

AM2999

1 1. Insert the following new section:

2 "Sec. 2. Section 85-1415, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-1415. Consistent with the authority granted to the
5 Legislature pursuant to Article XIII, section 1, of the

6 Constitution of Nebraska, the commission shall review all capital

7 construction projects proposed by the Board of Regents of the
8 University of Nebraska and the Board of Trustees of the Nebraska
9 State Colleges pursuant to sections 85-404 and 85-408 and by any
10 nonprofit corporation created by the Board of Regents of the
11 University of Nebraska or the Board of Trustees of the Nebraska
12 State Colleges when (a) state general funds, (b) funds received by
13 the University of Nebraska or any state college for the purposes of
14 reimbursing overhead costs and expenses in connection with any
15 federal or other grant or contract, (c) tuition, or (d) the state's
16 operating investment pool investment income constitute all or any
17 part of the funds used for the repayment of all or any part of the
18 bonds of such nonprofit corporation. Such boards shall submit all
19 such projects, including applicable financing plans, to the
20 commission for review. Within sixty days from the date of
21 submission of a proposed project, the commission shall take action
22 by recommending that the Legislature or the Executive Board of the
23 Legislative Council either approve or disapprove the project.
24 Following such action by the commission, each such proposed project
1 together with the commission's recommendation of approval or
2 disapproval shall be submitted by the board concerned to the
3 Legislature or, ~~as applicable under sections 85-404 and 85-408,~~ to
4 the Executive Board of the Legislative Council. The Legislature
5 or, ~~as applicable under sections 85-404 and 85-408 if the~~
6 Legislature is not in session, the Executive Board of the
7 Legislative Council shall thereafter take action to approve or
8 disapprove the proposed project. ~~All projects authorized prior to~~
9 ~~January 1, 1992, shall be deemed approved."~~
10 2. On page 4, line 10, strike "section 21-1928" and
11 insert "sections 21-1928 and 85-1415"; and in line 11 strike "is"
12 and insert "are".
13 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1089. Placed on General File as amended.

(Standing Committee amendment, AM3033, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1090. Placed on General File as amended.

Standing Committee amendment to LB 1090:

AM3068

1 1. Insert the following new sections:
2 "Section 1. Section 81-179, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 81-179. (1) There is hereby created under the control of
5 the Governor, for allocation to building renewal projects of the
6 various agencies, a fund to be known as the Building Renewal
7 Allocation Fund. The fund shall contain the revenue from the
8 special privilege tax as provided in section 77-2602, the interest
9 income as provided in section 84-613, and such other money as is
10 appropriated by the Legislature. Such appropriation is declared to

11 consist of building renewal funds which shall be kept separate and
 12 distinct from the program continuation funds and project
 13 construction funds.

14 (2) Separate subfunds, subprograms, projects, or accounts
 15 shall be established to separately account for any expenditures on
 16 state buildings or facilities to comply with the federal Americans
 17 with Disabilities Act of 1990. A minimal amount of the funds
 18 contained in the subfunds, subprograms, projects, or accounts may
 19 be used for planning and evaluation of buildings and facilities.

20 (3) The budget division of the Department of
 21 Administrative Services may administratively transfer funds to
 22 appropriate accounting entities to correctly account for the
 23 operating expenditures. A separate fund, cash fund, project, or
 24 other account may be administratively established for such purpose.

1 (4) Any money in the fund available for investment shall
 2 be invested by the state investment officer pursuant to the
 3 Nebraska Capital Expansion Act and the Nebraska State Funds
 4 Investment Act.

5 Sec. 3. Section 84-613, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 84-613. Any money in the Cash Reserve Fund available for
 8 investment shall be invested by the state investment officer
 9 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 10 State Funds Investment Act. ~~Any~~ Until July 1, 2007, any interest
 11 earned by the fund shall accrue to the General Fund. Commencing
 12 July 1, 2007, any interest earned by the Cash Reserve Fund shall
 13 accrue to the Building Renewal Allocation Fund."

14 2. On page 3, strike beginning with line 3 through "(5)"
 15 in line 6 and show the old matter as stricken; in line 9 strike
 16 "(6)" and insert "(5)"; in line 10 strike "three", show as
 17 stricken, and insert "twenty-six"; in line 12 strike "(7)" and
 18 insert "(6)"; in line 18 strike "(8)" and insert "(7)"; in line 23
 19 strike "(9)" and insert "(8)"; and in line 28 strike "(10)" and
 20 insert "(9)".

21 3. On page 4, line 14, after "Original" insert "sections
 22 81-179 and 84-613, Reissue Revised Statutes of Nebraska, and"; and
 23 in line 15 strike "is" and insert "are".

24 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1091. Placed on General File as amended.
 Standing Committee amendment to LB 1091:
 AM3075

1 1. Insert the following new section:

2 "Sec. 4. Section 71-7607, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 71-7607. (1) The Nebraska Medicaid Intergovernmental
 5 Trust Fund is created. The fund shall include revenue received
 6 from governmental nursing facilities receiving payments for nursing
 7 facility services under the medical assistance program established

8 pursuant to section 68-1018. The Department of Health and Human
9 Services Finance and Support shall remit such revenue to the State
10 Treasurer for credit to the fund. The department shall adopt and
11 promulgate rules and regulations to establish procedures for
12 participation by governmental nursing facilities and for the
13 receipt of such revenue under this section. Money from the
14 Nebraska Medicaid Intergovernmental Trust Fund shall be transferred
15 to the Nebraska Health Care Cash Fund as provided in section
16 71-7611.

17 (2) The department may use revenue in the Nebraska
18 Medicaid Intergovernmental Trust Fund to offset any unanticipated
19 reductions in medicaid funds received under this section.

20 (3) For FY2003-04 and FY2004-05, transfers may be made
21 from the fund to the Department of Health and Human Services Cash
22 Fund, the Behavioral Health Services Fund, and the Attorney General
23 Child Protection Cash Fund at the direction of the Legislature to
24 fund child welfare and protection activities and emergency
1 protective services. The Department of Administrative Services
2 shall administratively create the Attorney General Protection Cash
3 Fund to be administered by the Office of the Attorney General for
4 the purpose of receiving fund transfers to assist with the
5 prosecution of crimes against children.

6 (4) The State Treasurer shall transfer \$2,220,000 from
7 the Nebraska Medicaid Intergovernmental Trust Fund to the
8 Department of Health and Human Services Cash Fund on or before May
9 1, 2004. The State Treasurer shall transfer \$5,420,000 from the
10 Nebraska Medicaid Intergovernmental Trust Fund to the Department of
11 Health and Human Services Cash Fund on or before July 15, 2004.
12 The State Treasurer shall transfer \$80,000 from the Nebraska
13 Medicaid Intergovernmental Trust Fund to the Attorney General
14 Protection Cash Fund on or before May 1, 2004. The State Treasurer
15 shall transfer \$80,000 from the Nebraska Medicaid Intergovernmental
16 Trust Fund to the Attorney General Protection Cash Fund on or
17 before July 15, 2004.

18 (5) Any money in the ~~fund~~ Nebraska Medicaid
19 Intergovernmental Trust Fund available for investment shall be
20 invested by the state investment officer pursuant to the Nebraska
21 Capital Expansion Act and the Nebraska State Funds Investment
22 Act."

23 2. On page 2, line 17, after the period insert "The
24 State Treasurer shall transfer five million dollars from the State
25 Lottery Operation Trust Fund to the General Fund within fifteen
26 days after July 1, 2004.".

27 3. On page 4, lines 1 and 8, strike "2003-04 and
1 2004-05", show as stricken, and insert "2003-04, 2004-05, 2005-06,
2 and 2006-07"; and strike lines 11 through 15 and insert the
3 following new paragraph:
4 "At the direction of the budget administrator of the
5 Department of Administrative Services, the State Treasurer shall

6 transfer available unobligated balances existing in the Education
7 Innovation Fund to the General Fund on or before July 15, 2005, in
8 such amounts as determined by the budget administrator, to include:
9 Any unobligated money remaining as of June 30, 2004, and June 30,
10 2005, in the Education Innovation Fund, appropriated for the
11 Excellence in Education Council; investment income credited to the
12 fund; and unobligated grant fund money returned to the state for
13 credit to the Education Innovation Fund."
14 4. On page 22, line 11, after "sections" insert
15 "71-7607,".
16 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1092. Placed on General File as amended.
(Standing Committee amendment, AM2921, is printed separately and
available in the Bill Room, Room 1104.)

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 379:
AM3073

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-2715.02, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 77-2715.02. (1) Whenever the primary rate is changed by
- 6 the Legislature under section 77-2715.01, the Tax Commissioner
- 7 shall update the rate schedules required in subsection (2) of this
- 8 section to reflect the new primary rate and shall publish such
- 9 updated schedules.
- 10 (2) The following rate schedules are hereby established
- 11 for the Nebraska individual income tax and shall be in the
- 12 following form:
- 13 (a) The income amounts for columns A and E shall be:
- 14 (i) \$0, \$2,400, \$17,000, and \$26,500, for single returns;
- 15 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
- 16 joint returns;
- 17 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
- 18 head-of-household returns;
- 19 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
- 20 separate returns; and
- 21 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
- 22 trusts;
- 23 (b) The amount in column C shall be the total amount of
- 24 the tax imposed on income less than the amount in column A;
- 1 (c) The amount in column D shall be the rate on the
- 2 income in excess of the amount in column E;
- 3 (d) For taxable years beginning or deemed to begin before

4 January 1, 2003, under the Internal Revenue Code of 1986, as
 5 amended, the primary rate set by the Legislature shall be
 6 multiplied by the following factors to compute the tax rates for
 7 column D. The factors for the brackets, from lowest to highest
 8 bracket, shall be .6784, .9432, 1.3541, and 1.8054;

9 (e) For taxable years beginning or deemed to begin on or
 10 after January 1, 2003, and before January 1, 2004, and for taxable
 11 years beginning or deemed to begin on or after January 1, 2006,
 12 under the Internal Revenue Code of 1986, as amended, the primary
 13 rate set by the Legislature shall be multiplied by the following
 14 factors to compute the tax rates for column D. The factors for the
 15 brackets, from lowest to highest bracket, shall be .6932, .9646,
 16 1.3846, and 1.848;

17 (f) For taxable years beginning or deemed to begin on or
 18 after January 1, 2004, and before January 1, 2006, under the
 19 Internal Revenue Code of 1986, as amended, the primary rate set by
 20 the Legislature shall be multiplied by the following factors to
 21 compute the tax rates for column D. The factors for the brackets,
 22 from lowest to highest bracket, shall be .708, .986, 1.415, and
 23 1.89;

24 (g) The amounts for column C shall be rounded to the
 25 nearest dollar, and the amounts in column D shall be rounded to
 26 hundredths of one percent; and

27 ~~(g)~~ (h) One rate schedule shall be established for each
 1 federal filing status.

2 (3) The tax rate schedules shall use the format set forth
 3 in this subsection.

4	A	B	C	D	E
5	Taxable income	but not	pay	plus	of the
6	over	over			amount over

7 (4) The tax rate applied to other federal taxes included
 8 in the computation of the Nebraska individual income tax shall be
 9 eight times the primary rate.

10 (5) The Tax Commissioner shall prepare, from the rate
 11 schedules, tax tables which can be used by a majority of the
 12 taxpayers to determine their Nebraska tax liability. The design of
 13 the tax tables shall be determined by the Tax Commissioner. The
 14 size of the tax table brackets may change as the level of income
 15 changes. The difference in tax between two tax table brackets
 16 shall not exceed fifteen dollars. The Tax Commissioner may build
 17 the personal exemption credit and standard deduction amounts into
 18 the tax tables.

19 (6) The Tax Commissioner may require by rule and
 20 regulation that all taxpayers shall use the tax tables if their
 21 income is less than the maximum income included in the tax tables.

22 Sec. 2. Original section 77-2715.02, Reissue Revised
 23 Statutes of Nebraska, is repealed."

Senator Jensen filed the following amendment to LB 1083:

(Amendment, AM3102, is printed separately and available in the Bill Room, Room 1104.)

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 16, 75, 279, 279A, 323, 449, 449A, 560, 560A, 818, 820, 821, 835, 836, 878, 911, 915, 927, 936, 937, 940, 947, 950, 961, 1033, 1069, 1179, and LR 211CA.

(Signed) Vickie D. McDonald

RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Raikes, 25.

WHEREAS, the Lincoln East girls' basketball team is the champion of the 2004 Class A Girls' State Basketball Tournament; and

WHEREAS, the Lady Spartans' victory in the state championship game capped a 24-1 season and secured the third girls' state basketball championship in school history; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state which is the result of the individual team members' performance and coaching excellence and the support of teachers, administrators, and parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Lincoln East girls' basketball team and its coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Lincoln East girls' basketball team and its head coach, Todd Mitmesser.

Laid over.

ANNOUNCEMENT

The Chair announced today is Senator Brashear's birthday.

GENERAL FILE

LEGISLATIVE BILL 916. Senator Preister asked unanimous consent to withdraw his pending amendment, AM3035, found on page 989, and replace it with his substitute amendment, AM3168, to the Standing Committee amendment. No objections. So ordered.

AM3168

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 23, line 24, after the period insert "A copy

2 of the nutrient management plan and supporting documentation shall
3 continuously be kept on file at the department, and at least
4 annually the operator shall update any changes made to the nutrient
5 management plan. The department shall require an operator
6 submitting an application for construction approval or major
7 modification to submit a plan that contains, at a minimum, the
8 information which the department required to be included in all
9 nutrient management plans on January 1, 2004."

SPEAKER BROMM PRESIDING

Senator Preister withdrew his amendment.

Senator Beutler withdrew his pending amendment, AM3037, found on page 989.

Senator Beutler offered the following amendment to the Standing Committee amendment:

AM3064

(Amendments to Standing Committee amendments, AM2826)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 13-2042, Revised Statutes
- 3 Supplement, 2003, is amended to read:
- 4 13-2042. (1) A disposal fee of one dollar and
- 5 twenty-five cents is imposed for each six cubic yards of
- 6 uncompacted solid waste, one dollar and twenty-five cents for each
- 7 three cubic yards of compacted solid waste, or one dollar and
- 8 twenty-five cents per ton of solid waste disposed of at landfills
- 9 regulated by the department. Each operator of a landfill disposal
- 10 facility shall make the fee payment quarterly. The fee shall be
- 11 paid quarterly to the department on or before the forty-fifth day
- 12 following the end of each quarter. For purposes of this section,
- 13 landfill has the same definition as municipal solid waste landfill
- 14 unit in 40 C.F.R. part 258, subpart A, section 258.2.
- 15 (2) Each fee payment shall be accompanied by a form
- 16 prepared and furnished by the department and completed by the
- 17 permitholder. The form shall state the total volume of solid waste
- 18 disposed of at that facility during the payment period and shall
- 19 provide any other information deemed necessary by the department.
- 20 The form shall be signed by the permitholder.
- 21 (3) If a permitholder fails to make a timely payment of
- 22 the fee, he or she shall pay interest on the unpaid amount at the
- 23 rate specified in section 45-104.02, as such rate may from time to
- 1 time be adjusted.
- 2 (4) This section shall not apply to a site used solely
- 3 for the reclamation of land through the introduction of landscaping
- 4 rubble or inert material.
- 5 (5) Fifty percent of the total of such fees collected in
- 6 each quarter shall be remitted to the State Treasurer for credit to

7 the Integrated Solid Waste Management Cash Fund and shall be used
8 by the department to cover the direct and indirect costs of
9 responding to spills or other environmental emergencies, of
10 regulating, investigating, remediating, and monitoring facilities
11 during and after operation of facilities, or of performance of
12 regulated activities under the Integrated Solid Waste Management
13 Act, the Nebraska Litter Reduction and Recycling Act, the Livestock
14 Waste Management Act, and the Waste Reduction and Recycling
15 Incentive Act. The department may seek recovery of expenses paid
16 from the fund for responding to spills or other environmental
17 emergencies or for investigation, remediation, and monitoring of a
18 facility from any person who owned, operated, or used the facility
19 in violation of the Integrated Solid Waste Management Act, the
20 Nebraska Litter Reduction and Recycling Act, the Livestock Waste
21 Management Act, and the Waste Reduction and Recycling Incentive Act
22 in a civil action filed in the district court of Lancaster County.
23 Of the amount credited to the Integrated Solid Waste Management
24 Cash Fund, the department may disburse amounts to political
25 subdivisions for costs incurred in response to and remediation of
26 any solid waste disposed of or abandoned at dump sites or discrete
27 locations along public roadways or ditches and on any contiguous
1 area affected by such disposal or abandonment. Such reimbursement
2 shall be by application to the department on forms prescribed by
3 the department. The department shall prepare and make available a
4 schedule of eligible costs and application procedures which may
5 include a requirement of a demonstration of preventive measures to
6 be taken to discourage future dumping. The department may not
7 disburse to political subdivisions an amount which in the aggregate
8 exceeds five percent of total revenue from the disposal fees
9 collected pursuant to this section in the preceding fiscal year.
10 These disbursements shall be made on a fiscal-year basis, and
11 applications received after funds for this purpose have been
12 exhausted may be eligible during the next fiscal year but are not
13 an obligation of the state. Any eligible costs incurred by a
14 political subdivision which are not funded due to a lack of funds
15 shall not be considered an obligation of the state. In disbursing
16 funds under this section, the director shall make efforts to ensure
17 equal geographic distribution throughout the state and may deny
18 reimbursements in order to accomplish this goal.
19 (6) The remaining fifty percent of the total of such fees
20 collected per quarter shall be remitted to the State Treasurer for
21 credit to the Waste Reduction and Recycling Incentive Fund. For
22 purposes of determining the total fees collected, any amount of
23 fees rebated pursuant to section 13-2042.01 shall be included as if
24 the fees had not been rebated, and the amount of the fees rebated
25 pursuant to such section shall be deducted from the amount to be
26 credited to the Waste Reduction and Recycling Incentive Fund.
27 (7) The council shall adopt and promulgate rules and
1 regulations for the distribution of grants under subsection (6) of

2 this section from the proceeds of the fees imposed by this section
 3 to counties, municipalities, and agencies for the purposes of
 4 planning and implementing facilities and systems to further the
 5 goals of the Integrated Solid Waste Management Act. The fees
 6 collected pursuant to this section shall not be used as grant
 7 proceeds to fund landfill closure site assessments, closure,
 8 monitoring, or investigative or corrective action costs for
 9 existing landfills or landfills already closed prior to July 15,
 10 1992. The rules and regulations shall base the awarding of grants
 11 on a project's reflection of the integrated solid waste management
 12 policy and hierarchy established in section 13-2018, the proposed
 13 amount of local matching funds, and community need."
 14 2. Correct the operative date and repealer sections so
 15 that the section added by this amendment becomes operative on its
 16 effective date.
 17 3. Renumber the remaining sections and correct internal
 18 references accordingly.

The Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Schrock offered the following amendment to the Standing Committee amendment:
 AM3085

(Amendments to Standing Committee amendments, AM2826)

- 1 1. Strike sections 1 to 5 and 25 to 27.
- 2 2. On page 9, line 14; and page 15, line 25, strike
- 3 "operative date of this section" and insert "effective date of this
- 4 act".
- 5 3. Renumber the remaining sections and correct internal
- 6 references accordingly.

The Schrock amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment to the Standing Committee amendment:
 AM3104

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 6, line 11, after the period insert "(1)";
- 2 and after line 13 insert the following new subsection:
- 3 "(2) The department shall implement the regulations
- 4 required for state programs as identified in 40 C.F.R. 123.25, as
- 5 such regulation existed on January 1, 2004.".

The Beutler amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Schimek offered the following amendment to the Standing Committee amendment:

AM3170

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 19, line 15, after "if" insert "the applicant
2 or permittee has not met all relevant zoning or ordinance
3 requirements as determined by the county board or boards pursuant
4 to subsection (4) of section 54-2411, or if".
- 5 2. On page 21, line 25, strike "Within", show as
6 stricken, and insert "Unless a county board has requested up to a
7 thirty-day extension to determine whether an applicant has met all
8 relevant zoning or ordinance requirements, within".
- 9 3. On page 22, after line 10 insert the following new
10 subsection:
11 "(4)(a) Within thirty days after receipt of notice from
12 the department, the county board or boards, or their designees, of
13 the counties in which the livestock waste control facility or
14 animal feeding operation is to be located shall notify the
15 department whether there are any zoning or ordinance requirements
16 which may be applicable to the proposed applicant's permit,
17 construction approval, or application for major modification.
18 Within ten business days of receiving notification by the county
19 board or boards, the department shall mail a complete copy or
20 copies of the application to the board or boards. A county board
21 may request up to a thirty-day extension to determine whether or
22 not the applicant has met all relevant zoning or ordinance
23 requirements. The extension shall be granted by the department and
1 shall extend the period after the close of the comment period to up
2 to seventy days, at which time the department shall make a decision
3 to approve or deny the permit. Within fourteen days of taking
4 final action to determine whether the applicant has met all
5 relevant zoning or ordinance requirements, the count board or
6 boards shall send to the department a certified letter conveying
7 its decision.
8 (b) The department may approve an application for a
9 permit, construction approval, or major modification of an
10 application if the applicant has met all local zoning requirements,
11 as evidenced by receipt of a certified letter from the county board
12 or boards as required in this subsection. If the department does
13 not receive a certified letter from the board or boards then that
14 condition for issuance of a permit is deemed to be waived.".

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 247, 248, 249, 250, and 251 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 247, 248, 249, 250, and 251.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 16, 818, 820e, 821, 835, 836e, 878e, 911e, 915, 927, 936, 937, 940e, 947, 950, 961, 1033e, 1069e, 1179, 75, 279, 279A, 323, 560e, 560A, 449, 449A, and LR 211CA.

STANDING COMMITTEE REPORTS**Health and Human Services**

LEGISLATIVE BILL 710. Placed on General File as amended.

(Standing Committee amendment, AM2161, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Jim Jensen, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 120. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 258. Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart boys' basketball team is the champion of the 2004 Class D-1 Boys' State Basketball Tournament; and

WHEREAS, the Irish's victory in the state championship capped a winning streak of seventeen games won by an average of more than twenty-one points, including three wins over teams from higher classes; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state which is the result of the individual team members' performance, coaching excellence, and the support of teachers, administrators, and parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Falls City Sacred

Heart boys' basketball team and coaching staff.

2. That a copy of this resolution be sent to the Falls City Sacred Heart boys' basketball team and head coach Doug Goltz.

Laid over.

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 1093:
AM3027

(Amendments to Standing Committee amendments, AM2792)

- 1 1. On page 1, line 11, reinstate the stricken matter;
- 2 and strike line 13, show the old matter as stricken, and insert
- 3 "levy for fiscal years 2003-04 and 2004-05, (ii) one dollar and ten
- 4 cents per one hundred dollars of taxable valuation of property
- 5 subject to the levy for fiscal years 2005-06, 2006-07, and 2007-08,
- 6 and (iii)".

Senator Byars filed the following amendment to LB 845:
AM3095

- 1 1. On page 7, line 11, strike "the association promptly
- 2 mail" and insert "a prompt mailing of"; in line 13 strike
- 3 "association" and before the comma insert "affecting such
- 4 time-share use owners"; and in line 14 strike "association" and
- 5 insert "managing agent".

Senator Redfield filed the following amendment to LB 1083:
AM3059

(Amendments to Standing Committee amendments, AM2889)

- 1 1. Insert the following new sections:
- 2 "Sec. 30. Section 58-703, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 58-703. The Affordable Housing Trust Fund is created.
- 5 The fund shall receive money pursuant to sections 8-1120 and 76-903
- 6 and may include revenue from sources recommended by the housing
- 7 advisory committee established in section 58-704, appropriations
- 8 from the Legislature, grants, private contributions, repayment of
- 9 loans, and all other sources, except that before appropriations
- 10 from the General Fund may be used as a revenue source for the
- 11 Affordable Housing Trust Fund or for administrative costs of the
- 12 Department of Economic Development in administering the fund, such
- 13 use must be specifically authorized by a separate legislative bill
- 14 passed in a legislative session subsequent to the Ninety-fourth
- 15 Legislature, Second Session, 1996. Any initial appropriation from
- 16 the General Fund which is used as a revenue source for the
- 17 Affordable Housing Trust Fund or for administrative costs shall be
- 18 in an appropriations bill which does not contain appropriations for
- 19 other programs. The department as part of its comprehensive
- 20 housing affordability strategy shall administer the Affordable

21 Housing Trust Fund. Transfers may be made from the Affordable
22 Housing Trust Fund to the General Fund at the direction of the
23 Legislature. The State Treasurer shall make transfers from the
24 Affordable Housing Trust Fund to the General Fund according to the
25 following schedule: (1) \$1,500,000 on or after July 1, 2004, but
26 no later than July 10, 2004; (2) \$1,500,000 on or after July 1,
27 2005, but no later than July 10, 2005; and (3) \$1,500,000 on or
28 after July 1, 2006, but no later than July 10, 2006.

29 Sec. 31. Section 58-706, Reissue Revised Statutes of
30 Nebraska, is amended to read:

31 58-706. The following activities are eligible for
32 assistance from the Affordable Housing Trust Fund:

33 (1) New construction, rehabilitation, or acquisition of
34 housing to assist low-income and very low-income families;

35 (2) Matching funds for new construction, rehabilitation,
36 or acquisition of housing units to assist low-income and very
37 low-income families;

38 (3) Technical assistance, design and finance services,
39 and consultation for eligible nonprofit community or
40 neighborhood-based organizations involved in the creation of
41 affordable housing;

42 (4) Matching funds for operating costs for housing
43 assistance groups or organizations when such grant or loan will
44 substantially increase the recipient's ability to produce
45 affordable housing;

46 (5) Mortgage insurance guarantees for eligible projects;

47 (6) Acquisition of housing units for the purpose of
48 preservation of housing to assist low-income or very low-income
49 families;

50 (7) Projects making affordable housing more accessible to
51 families with elderly members or members who have disabilities;

52 (8) Projects providing housing in areas determined by the
53 Department of Economic Development to be of critical importance for
54 the continued economic development and economic well-being of the
55 community and where, as determined by the department, a shortage of
56 affordable housing exists;

57 (9) Infrastructure projects necessary for the development
58 of affordable housing;

59 (10) Downpayment and closing cost assistance; ~~and~~

60 (11) Housing education programs developed in conjunction
61 with affordable housing projects. The education programs must be
62 directed toward:

63 (a) Preparing potential home buyers to purchase
64 affordable housing and postpurchase education;

65 (b) Target audiences eligible to utilize the services of
66 housing assistance groups or organizations; and

67 (c) Developers interested in the rehabilitation,
68 acquisition, or construction of affordable housing; and

69 (12) Rental assistance for adults with serious mental

20 illness.".

- 21 2. Amend the operative date and repealer sections so
22 that the sections added by this amendment become operative on their
23 effective date with the emergency clause.
24 3. Renumber the remaining sections accordingly.

Senators Quandahl, Foley, Jensen, Johnson, Loudon, Mines, Redfield, and Tyson filed the following amendment to LB 1047:
(Amendment, AM3088, is printed separately and available in the Bill Room, Room 1104.)

RESOLUTION

LEGISLATIVE RESOLUTION 259. Introduced by Brown, 6; Hartnett, 45; Maxwell, 9; Tyson, 19.

WHEREAS, on February 21, 2004, the Creighton Preparatory School Academic Decathlon Team won the 2004 Academic Decathlon State Championship; and

WHEREAS, this is the third state championship won by Creighton Preparatory School and its first since 1995; and

WHEREAS, the Creighton Preparatory School Academic Decathlon Team displayed superior sportsmanship and exemplified hard work, dedication, and discipline throughout the season; and

WHEREAS, such team achievement is made possible not only by individual members' performances and coaching guidance, but also through the support of teachers, volunteers, administrators, and parents; and

WHEREAS, the Creighton Preparatory School Academic Decathlon Team will be representing the State of Nebraska at the National Academic Decathlon competition in April 2004, in Boise, Idaho.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Creighton Preparatory School Academic Decathlon Team and its coaches for their outstanding accomplishment.

2. That the Legislature wishes the Creighton Preparatory School the best of luck as it represents the State of Nebraska at the national competition in Boise, Idaho.

3. That a copy of this resolution be sent to the Creighton Preparatory School Academic Decathlon Team, head coach Jeannie Brayman, and Creighton Preparatory School President Rev. Tom Merkel, S.J.

Laid over.

VISITORS

Visitors to the Chamber were Pastor Larry DeMoss and Jane DeMoss from Broken Bow and Senator Jones' wife, Patricia, from Eddyville; Monica and

Luis Duarte from Orontina, Costa Rica, and Kathleen McCallister, Mike, Jason, and Kelsey McGee from Omaha; 75 fifth-grade students and teachers from Calvert Elementary School, Lincoln; Chuck Woodside from Minden; and Mike Morris, Brenda Christensen, Wells, Greta, and Tatum Morris from Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Landis and Stuthman who were excused; and Senators Bromm, Brown, Burling, Byars, Connealy, Cunningham, Hartnett, Jensen, Johnson, and Tyson who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 2004, at 12:25 p.m. were the following: LBs 16, 818, 820e, 821, 835, 836e, 878e, 911e, 915, 927, 936, 937, 940e, 947, 950, 961, 1033e, 1069e, 1179, 75, 279, 279A, 323, 560e, 560A, 449, and 449A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 16, 2004, at 12:15 p.m. was the following: LR 211CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 916. Senator Schimek withdrew her pending amendment, AM3170, found in this day's Journal.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1564

Amend AM2826

On page 7 in line 16 strike "economically"

Senator Chambers moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 846. Placed on Select File as amended.

E & R amendment to LB 846:

AM7195

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new section:
- 3 "Section 1. Section 60-311.14, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 60-311.14. (1) The Department of Motor Vehicles shall,
- 6 without the payment of any fee except the taxes and fees required
- 7 by sections 60-311, 60-3002, and 60-3007, issue license plates for
- 8 one motor vehicle not used for hire and a license plate for one
- 9 motorcycle not used for hire to:
- 10 (a) Any ~~any~~ permanently handicapped or disabled person as
- 11 defined in section 18-1738 or his or her parent, legal guardian,
- 12 foster parent, or agent upon application and proof of a permanent
- 13 handicap or disability; or
- 14 (b) A trust which owns the motor vehicle or motorcycle if
- 15 a designated beneficiary of the trust qualifies under subdivision
- 16 (a) of this subsection.
- 17 Beginning January 1, 2005, an application and proof of
- 18 disability in the form and with the information required by section
- 19 18-1738 shall be filed before license plates are issued or reissued
- 20 pursuant to this section.
- 21 (2) The license plate or plates shall carry the
- 22 internationally accepted wheelchair symbol, which symbol is a
- 23 representation of a person seated in a wheelchair surrounded by a
- 24 border six units wide by seven units high, and such other letters
- 1 or numbers as the Director of Motor Vehicles prescribes. Such
- 2 license plate or plates shall be used by such person in lieu of the
- 3 usual license plate or plates."

LEGISLATIVE BILL 1004. Placed on Select File.

LEGISLATIVE BILL 1002. Placed on Select File.

LEGISLATIVE BILL 819. Placed on Select File as amended.
E & R amendment to LB 819:
AM7198

- 1 1. On page 2, line 6, strike "division" and insert
- 2 "Department of Administrative Services".

LEGISLATIVE BILL 1118. Placed on Select File as amended.
E & R amendment to LB 1118:
AM7197

- 1 1. On page 6, line 10, strike "subsection" and insert
- 2 "subdivision".

LEGISLATIVE BILL 1107. Placed on Select File.

LEGISLATIVE BILL 1149. Placed on Select File as amended.
E & R amendment to LB 1149:
AM7200

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 37-455, Revised Statutes Supplement,
- 4 2003, is amended to read:
- 5 37-455. (1) The commission may issue a limited permit
- 6 for deer, antelope, wild turkey, or elk to a person who is a
- 7 qualifying landowner or leaseholder and his or her immediate family
- 8 as described in this section. A permit shall be valid during the
- 9 predetermined period established by the commission pursuant to
- 10 sections 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt
- 11 of an application in proper form as prescribed by the rules and
- 12 regulations of the commission, the commission may issue (a) a
- 13 limited deer, antelope, or wild turkey permit valid for hunting on
- 14 all of the land which is owned or leased by the qualifying
- 15 landowner or leaseholder if such lands are identified in the
- 16 application or (b) a limited elk permit valid for hunting on the
- 17 entire elk management unit of which the land of the qualifying
- 18 landowner or leaseholder included in the application is a part.
- 19 (2)(a) The commission shall adopt and promulgate rules
- 20 and regulations prescribing procedures and forms and create
- 21 requirements for documentation by an applicant or permittee to
- 22 determine whether the applicant or permittee is a Nebraska resident
- 23 and is a qualifying landowner or leaseholder of the described
- 24 property or is a member of the immediate family of and residing in
- 1 the same household as such qualifying landowner or leaseholder.
- 2 Only a person who is a qualifying landowner or leaseholder and such
- 3 person's immediate family residing in the same household as such
- 4 qualifying landowner or leaseholder may apply for a limited permit.
- 5 For purposes of this section, immediate family means and is limited
- 6 to a husband and wife and their children.
- 7 (b) The conditions applicable to permits issued pursuant
- 8 to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever

9 is appropriate, shall apply to limited permits issued pursuant to
10 this section, except that the commission may adopt and promulgate
11 rules and regulations for species harvest allocation pertaining to
12 the sex and age of the species harvested which are different for a
13 limited permit than for other hunting permits. For purposes of
14 this section, white-tailed deer and mule deer shall be treated as
15 one species.

16 (3)(a) To qualify for a limited permit to hunt deer or
17 antelope, the applicant shall be a Nebraska resident who owns or
18 leases eighty acres or more of farm or ranch land for agricultural
19 purposes or a member of such person's immediate family residing in
20 the same household. The number of limited permits issued annually
21 per species for each farm or ranch shall not exceed the total
22 acreage of the farm or ranch divided by eighty. An applicant may
23 apply for no more than one permit per species per year. The fee
24 for a limited permit to hunt deer or antelope shall be one-half the
25 fee for the regular permit for such species.

26 (b) A nonresident of Nebraska who owns three hundred
27 twenty acres or more of farm or ranch land in the State of Nebraska
1 for agricultural purposes or a member of such person's immediate
2 family residing in the same household may apply for a limited deer
3 permit. Only one limited deer permit per three hundred twenty
4 acres may be issued annually under this subdivision. The fee for
5 such a permit to hunt deer shall be one-half the fee for a
6 nonresident permit to hunt deer.

7 (c) The commission may adopt and promulgate rules and
8 regulations providing for the issuance of an additional limited
9 deer permit to a qualified individual for the taking of a deer
10 without antlers at a fee equal to or less than the fee for the
11 original limited permit.

12 (4)(a) To qualify for a limited permit to hunt wild
13 turkey, the applicant shall be a Nebraska resident who owns or
14 leases eighty acres or more of farm or ranch land for agricultural
15 purposes or a member of such person's immediate family residing in
16 the same household. The number of limited permits issued annually
17 per season for each farm or ranch shall not exceed the total
18 acreage of the farm or ranch divided by eighty. An applicant may
19 apply for no more than one limited permit per season. The fee for
20 a limited permit to hunt wild turkey shall be one-half the fee for
21 the regular permit to hunt wild turkey.

22 (b) A nonresident of Nebraska who owns three hundred
23 twenty acres or more of farm or ranch land in the State of Nebraska
24 for agricultural purposes or a member of such person's immediate
25 family residing in the same household may apply for a limited
26 permit to hunt wild turkey during the spring wild turkey season.
27 Only one limited wild turkey permit per three hundred twenty acres
1 may be issued annually under this subdivision. The fee for such a
2 permit to hunt shall be one-half the fee for a nonresident permit
3 to hunt wild turkey.

4 (5) To qualify for a limited permit to hunt elk, (a) the
5 applicant shall be (i) a Nebraska resident who owns three hundred
6 twenty acres or more of farm or ranch land for agricultural
7 purposes, (ii) a Nebraska resident who leases three hundred twenty
8 acres or more of farm or ranch land for agricultural purposes and
9 resides on such property, or (iii) a member of such owner or
10 lessee's immediate family residing in the same household and (b)
11 the qualifying farm or ranch land of the applicant shall be within
12 an area designated as an elk management zone by the commission in
13 its rules and regulations. An applicant shall not be issued a
14 limited elk permit more than once every three years, and the
15 commission may give preference to a person who did not receive a
16 limited elk permit or specified type of limited elk permit during
17 the previous years. The fee for a limited permit to hunt elk shall
18 be one-fifth the fee for the regular permit to hunt elk.

19 Sec. 2. Section 37-530, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 37-530. Any ~~deer or antelope~~ wildlife species as
22 designated by the commission accidentally killed by a motor vehicle
23 on a public highway in this state, unless seized and confiscated
24 pursuant to sections 37-619 to 37-621, shall, when salvageable, be
25 disposed of as determined by the commission or its designee.

26 Sec. 3. Original section 37-530, Reissue Revised
27 Statutes of Nebraska, and section 37-455, Revised Statutes
1 Supplement, 2003, are repealed.

2 Sec. 4. The following section is outright repealed:
3 Section 37-528, Revised Statutes Supplement, 2002."
4 2. On page 1, strike beginning with "section" in line 2
5 through line 9 and insert "and section 37-455, Revised Statutes
6 Supplement, 2003; to provide for nonresident permits to hunt wild
7 turkey; to provide powers and duties for the Game and Parks
8 Commission relating to wildlife killed on public highways; to
9 eliminate a restriction on hunting certain wild animals; to
10 eliminate a penalty; to repeal the original sections; and to
11 outright repeal section 37-528, Revised Statutes Supplement,
12 2002.".

LEGISLATIVE BILL 826. Placed on Select File as amended.

E & R amendment to LB 826:

AM7196

1 1. On page 1, line 1, strike "sections" and insert
2 "section"; in line 2 strike "and 61-206"; and strike beginning with
3 "duties" in line 5 through "duties" in line 7 and insert "and
4 change powers and duties for the Department of Natural Resources
5 and the Game and Parks Commission; to provide for rules and
6 regulations and appeal procedures; to harmonize provisions; to
7 provide a duty".

LEGISLATIVE BILL 727. Placed on Select File as amended.

E & R amendment to LB 727:

AM7199

- 1 1. On page 1, strike beginning with the first comma in
- 2 line 2 through line 8 and insert "; to provide for use of the
- 3 Federal Write-In Absentee Ballot; to provide for facsimile
- 4 transmission of certain ballots and related documents; and to
- 5 repeal the original section."

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 916. Senator Beutler offered the following amendment to the Standing Committee amendment:

AM3114

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 18, strike beginning with "This" in line 6
- 2 through line 7 and insert "The department shall annually review and
- 3 adjust the fee structure in this section to ensure that fees are
- 4 adequate to meet at least thirty percent of the program costs from
- 5 the previous fiscal year."; and strike lines 16 through 27 and show
- 6 the old matter as stricken.
- 7 2. On page 19, strike lines 1 through 5 and show the old
- 8 matter as stricken.

Pending.

AMENDMENT - Print in Journal

Senator Foley filed the following amendment to LB 1089:

AM3100

(Amendments to Standing Committee amendments, AM3033)

- 1 1. Strike original section 1.
- 2 2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1084A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1084, Ninety-eighth Legislature, Second Session, 2004.

GENERAL FILE

LEGISLATIVE BILL 973. Title read. Considered.

The Standing Committee amendment, AM2384, printed separately and referred to on page 480, was considered.

Senator Janssen renewed his pending amendment, AM3032, found on page 975, to the Standing Committee amendment.

SENATOR WEHRBEIN PRESIDING

The Janssen amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 916:
AM3118

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 27, strike beginning with "Two" in line 16
- 2 through the period in line 19.

Senator Chambers filed the following amendment to LB 916:
FA1565

Amend AM2826

On page 9 in line 16 strike the second "for"

Senator Preister filed the following amendment to LB 916:
AM3191

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 23, line 24, after the period insert "A copy
- 2 of the nutrient management plan and supporting documentation shall
- 3 continuously be kept on file at the department, and at least
- 4 annually the operator shall update changes made to the nutrient
- 5 management plan as required pursuant to rules and regulations
- 6 adopted and promulgated by the council. The department shall
- 7 require an operator submitting an application for construction
- 8 approval or major modification to submit a plan that contains, at a
- 9 minimum, the information which the department required to be
- 10 included in all nutrient management plans on January 1, 2004."
- 11 2. On page 26, line 11, strike "and" and insert an
- 12 underscored comma; and in line 13 after "approval" insert ", and a
- 13 description of the types of changes made to the nutrient management
- 14 plan required to be updated pursuant to section 18 of this act".

Senator Jones filed the following amendment to LB 916:
AM2952

(Amendments to Standing Committee amendments, AM2826)

- 1 1. On page 13, line 13, after the semicolon insert "or";
- 2 in line 14 after "existing" insert "permitted"; and strike
- 3 beginning with "modifies" in line 14 through the period in line 21
- 4 and insert "requests a permit modification and the department
- 5 determines that the proposed modification will not degrade the cold
- 6 water class A stream.
- 7 (3) The department may deny or restrict an application,
- 8 transfer, or modification of a permit based upon the potential for
- 9 degradation of a cold water class A stream.".

Senator Chambers filed the following amendments to LB 916:

FA1566

Amend AM2826

On page 9, in line 11 strike "substantial".

FA1567

Amend AM2826

On page 9, in line 16 strike "is applied for" and insert "or construction approval application is submitted".

FA1568

Amend AM2826

1. On page 20, in lines 8 and 11 strike "The" and show as stricken and insert "Such"; in line 10 strike "enable" and show as stricken and insert "authorize"; in line 19 before "counties" insert "county or".
2. On page 21, in line 13 strike "Once" and insert "After".

FA1569

Amend AM2826

On page 20 in line 24 strike "regarding" and insert "assessing and evaluating".

FA1570

Amend AM2826

On page 19 in line 14 strike "may" and insert "shall".

Senator Quandahl filed the following amendment to LB 999:

AM3079

(Amendments to Final Reading copy)

- 1 1. Strike section 1.
- 2 2. On page 1, line 6, strike "8-113,"; and in lines 12
- 3 and 13 strike "bank names,".
- 4 3. On page 17, line 6, strike "18" and insert "17".
- 5 4. On page 29, line 22; page 31, line 9; and page 33,
- 6 line 21, strike "17" and insert "16".
- 7 5. On page 29, line 23, strike "17 to 19" and insert "16
- 8 to 18".
- 9 6. On page 91, line 19, strike "2, 5 to 20, 31 to 42,

- 10 and 54" and insert "4 to 19, 30 to 41, and 53"; and in line 21
 11 strike "24 to 29 and 55" and insert "23 to 28 and 54".
 12 7. On page 92, line 3, strike "8-113".
 13 8. Renumber the remaining sections accordingly.

Senator Cunningham filed the following amendment to LB 1005:
 (Amendment, AM3187, is printed separately and available in the Bill Room,
 Room 1104.)

Senator McDonald filed the following amendments to LB 1048:
 AM3122

- 1 1. On page 67, line 21, strike "2005" and insert "2006";
 2 and in line 22 strike "their effective date" and insert "fifteen
 3 calendar months after adjournment of this legislative session".

AM3123

(Amendments to Standing Committee amendments, AM2851)

- 1 1. On page 8, line 15, strike "Beginning" and insert
 2 "Before June 15, 2005, the school board of any Class II, III, IV,
 3 or V school district shall not close or change the elementary
 4 grades offered at any elementary attendance center.
 5 (2) On and after June 15, 2005, the school board of any
 6 Class II, III, IV, or V school district shall not close or change
 7 the elementary grades offered at an elementary attendance center if
 8 the per pupil cost of such elementary attendance center based on
 9 average daily attendance is not more than one thousand five hundred
 10 dollars above the statewide average per pupil cost calculated by
 11 the State Department of Education for school year 2003-04.
 12 (3) On and after"; in line 17 strike "an elementary
 13 attendance center"; and in line 18 after "center" insert "having a
 14 per pupil cost based on average daily attendance of not more than
 15 one thousand five hundred dollars above the statewide average per
 16 pupil cost calculated by the department for school year 2003-04".
 17 2. On page 9, strike beginning with "(2)" in line 4
 18 through "(1)" in line 5 and insert "(4) For elementary attendance
 19 centers with a per pupil cost based on average daily attendance of
 20 more than one thousand five hundred dollars above the statewide
 21 average per pupil cost calculated by the State Department of
 22 Education for school year 2003-04 and which are not subject to
 23 subsection (3)"; and in line 24 strike "(3)" and insert "(5)".
 1 3. On page 10, line 3, strike "(1) or (2)" and insert
 2 "(3) or (4)"; in line 4 strike "(4)" and insert "(6)"; and in line
 3 8 strike "(5)" and insert "(7)".

AM3124

(Amendments to Standing Committee amendments, AM2851)

- 1 1. On page 10, line 12, after "means" insert "(i)"; and
 2 in line 15 after "counted" insert "and (ii) option students
 3 enrolled in and attending such elementary attendance center in such

4 school year".

AM3125

(Amendments to Standing Committee amendments, AM2851)

- 1 1. On page 8, line 23, strike "resident" and strike "and
2 one-half".

AM3136

(Amendments to Standing Committee amendments, AM2851)

- 1 1. On page 9, strike beginning with "For" in line 4
2 through "(3)" in line 24.
- 3 2. On page 10, line 3, strike "or (2)"; in line 4 strike
4 "(4)" and insert "(3)"; and in line 8 strike "(5)" and insert
5 "(4)".

AM3127

(Amendments to Standing Committee amendments, AM2851)

- 1 1. On page 8, line 15, strike "Beginning" through "2005"
2 and insert "(1) Before July 1, 2009, the school board of a Class
3 II, III, IV, or V school district shall not close or change the
4 elementary grades offered at any elementary attendance center.
5 (2) On and after July 1, 2009".
- 6 2. On page 9, line 4, strike "(2)" and insert "(3)"; in
7 line 5 strike "(1)" and insert "(2)" and strike "from" through
8 "until" and insert "on and after"; and in line 24 strike "(3)" and
9 insert "(4)".
- 10 3. On page 10, line 3, strike "(1) or (2)" and insert
11 "(2) or (3)"; in line 4 strike "(4)" and insert "(5)"; and in line
12 8 strike "(5)" and insert "(6)".

AM3128

(Amendments to Standing Committee amendments, AM2851)

- 1 1. Insert the following new section:
2 "Sec. 36. Closure of any attendance center by a Class
3 II, III, IV, or V school district on or after the operative date of
4 this section shall require the affirmative vote of three-fifths of
5 the eligible voters in such district. For purposes of this
6 section, eligible voter includes any eligible voter residing within
7 the boundaries of the district as established by an order of the
8 State Committee for the Reorganization of School Districts under
9 section 2 or 3 of this act.".
- 10 2. On page 10, line 25, strike "37, 44, and 49" and
11 insert "38, 45, and 50".
- 12 3. Renumber the remaining sections accordingly.

AM3129

(Amendments to Standing Committee amendments, AM2851)

- 1 1. Insert the following new section:
2 "Sec. 35. When a Class I school district is dissolved

3 and its territory is attached to a Class II, III, IV, or V school
4 district pursuant to an order under section 2 or 3 of this act, one
5 school board member in addition to the number of members required
6 by law for such Class II, III, IV, or V school district shall be
7 elected at the first statewide general election following the
8 school year in which such order becomes effective. Members elected
9 under this section and their successors shall reside in the
10 territory of any Class I school district dissolved and attached to
11 such Class II, III, IV, or V school district pursuant to such
12 order. For purposes of this section, in the case of a Class IV or
13 Class V school district, all territory attached to such district
14 pursuant to such order shall constitute one election district.
15 Members elected under this subsection shall meet the qualifications
16 found in section 79-543 and shall serve for terms of four years and
17 until their successors are elected and qualified."
18 2. On page 10, line 25, strike "37, 44, and 49" and
19 insert "38, 45, and 50".
20 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 973. Senator Beutler offered the following amendment:
AM3094

1 1. Insert the following new section:
2 "Sec. 14. Section 77-1348, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 77-1348. (1) Whenever land which has received special
5 valuation becomes disqualified for such special valuation, the
6 assessor shall notify the taxpayer and there shall be added to the
7 tax extended against the land on the respective property tax roll
8 or rolls, to be collected and distributed in the same manner as
9 other taxes levied upon real property, an amount equal to the sum
10 of the following:
11 (a) If the land was disqualified for special valuation
12 before the levy date of the year of disqualification, the total
13 amount by which the taxes assessed against the land would have been
14 increased if it had been valued at its recapture value during the
15 last three or lesser number of years in which such special
16 valuation was in effect for the land, and, if the land was
17 disqualified on or after the levy date of the year of
18 disqualification, the total amount by which the taxes assessed
19 against the land would have increased if it had been valued at its
20 recapture value during the last four or lesser number of years in
21 which special valuation was in effect for the land; and
22 (b) Interest upon the amounts of additional tax from each
23 year included in subdivision (1)(a) of this section at the rate of
24 six percent from the dates at which such additional taxes would
1 have been payable if no special valuation had been in effect

2 through sixty days after the notice sent pursuant to subsection (1)
 3 of this section. Upon expiration of the sixty days, the additional
 4 taxes and interest shall be delinquent and interest shall accrue at
 5 the rate provided in section 45-104.01 until paid.

6 (2) In cases when the designation of special valuation is
 7 removed as a result of a sale or transfer described in subdivision
 8 (2) or (3) of section 77-1347 other than an acquisition described
 9 in subsection (3) of this section, the lien for such increased
 10 taxes and interest shall attach as of the day preceding such sale
 11 or transfer.

12 (3) The provisions of subsection (1) of this section do
 13 not apply if:

14 (a) ~~The~~ the land was acquired by eminent domain;

15 (b) ~~The or if the~~ land is owned by a public entity and is
 16 disqualified from special valuation because it is being used or is
 17 being developed for use in a public purpose or is exchanged for
 18 other property to be used or developed for use in a public purpose;
 19 or

20 (c) The land is donated to an organization exempt from
 21 taxation under 501(c)(3) of the Internal Revenue Code or to the
 22 state or its political subdivisions and will be used by the
 23 organization, state, or political subdivision for a public,
 24 educational, religious, charitable, or cemetery purpose under
 25 section 77-202."

26 2. Renumber the remaining sections and correct internal
 27 references and the repealer accordingly.

Senator Beutler withdrew his amendment.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not
 voting, and 5 excused and not voting.

LEGISLATIVE BILL 944. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not
 voting, and 6 excused and not voting.

LEGISLATIVE BILL 1084. Title read. Considered.

The Standing Committee amendment, AM2590, printed separately and
 referred to on page 645, was considered.

Senator Beutler offered the following amendment to the Standing
 Committee amendment:

AM3099

(Amendments to Standing Committee amendments, AM2590)

- 1 1. On page 14, line 22, strike "Class IV" and insert
- 2 "Class III"; and in line 25 strike "Class I misdemeanor" and insert
- 3 "Class IV felony".

4 2. On page 15, line 2, strike "Class II" and insert
 5 "Class I"; in line 3 strike beginning with "less" through "dollars"
 6 and insert "two hundred dollars or more, but is less than five
 7 hundred dollars"; and after line 3 insert the following new
 8 subsection:
 9 "(5) A violation of subsection (1) of this section is a
 10 Class II misdemeanor when the amount of payments illegally claimed,
 11 paid, or received is less than two hundred dollars.".

Senator Chambers offered the following motion:
 Recommit to the Health and Human Services Committee.

Senator Chambers moved for a call of the house. The motion prevailed with
 18 ayes, 0 nays, and 31 not voting.

The Chambers motion to recommit failed with 4 ayes, 20 nays, 10 present
 and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
 Reconsider vote to recommit to committee.

Pending.

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LR 209CA:
 AM3048

(Amendments to E & R amendments, AM7183)

1 1. Insert the following new section:
 2 "Sec. 2. At the general election in November 2004 the
 3 following proposed amendment to the Constitution of Nebraska shall
 4 be submitted to the electors of the State of Nebraska for approval
 5 or rejection:
 6 To amend Article III, section 24:
 7 III-24 "(1) Except as provided in this section, the
 8 Legislature shall not authorize any game of chance or any lottery
 9 or gift enterprise when the consideration for a chance to
 10 participate involves the payment of money for the purchase of
 11 property, services, or a chance or admission ticket or requires an
 12 expenditure of substantial effort or time.
 13 (2) The Legislature may authorize and regulate a state
 14 lottery pursuant to subsection (3) of this section and other
 15 lotteries, raffles, and gift enterprises which are intended solely
 16 as business promotions or the proceeds of which are to be used
 17 solely for charitable or community betterment purposes without
 18 profit to the promoter of such lotteries, raffles, or gift
 19 enterprises.

20 (3) The Legislature may establish a lottery to be
21 operated and regulated by the State of Nebraska. The proceeds of
22 the lottery shall be appropriated by the Legislature for the costs
23 of establishing and maintaining the lottery and for other purposes
1 as directed by the Legislature. No lottery game shall be conducted
2 as part of the lottery unless the type of game has been approved by
3 a majority of the members of the Legislature.

4 (4) Nothing in this section shall be construed to
5 prohibit (a) the enactment of laws providing for the licensing and
6 regulation of wagering on the results of horseraces, wherever run,
7 either within or outside of the state, by the parimutuel method,
8 when such wagering is conducted by licensees within a licensed
9 racetrack enclosure or (b) the enactment of laws providing for the
10 licensing and regulation of bingo games conducted by nonprofit
11 associations which have been in existence for a period of five
12 years immediately preceding the application for license, except
13 that bingo games cannot be conducted by agents or lessees of such
14 associations on a percentage basis.

15 (5)(a) For purposes of this subsection, casino gaming
16 includes games of chance played for money, credit, or any
17 representative of value using cards; dice; equipment;
18 player-activated electronic, video, or mechanical gaming devices;
19 and other methods authorized by the Legislature.

20 (b) Nothing in the Constitution of Nebraska shall be
21 construed to prohibit or restrict casino gaming as authorized by
22 the Legislature at up to two casino locations. The Legislature
23 shall authorize only one of such locations in the second
24 congressional district as it existed in 2004. Subsequent to the
25 initial legislative authorization of any casino location, the
26 voters of the county in which such casino location is authorized
27 shall either approve or disapprove casino gaming in such county.
1 Only the Legislature may provide for the authorization, operation,
2 regulation, and taxation of casino gaming whether casino gaming is
3 authorized under this section or by initiative measure."

4 2. On page 3, line 23, after the first period insert the
5 following new matter: "A constitutional amendment to define casino
6 gaming and to permit the Legislature to authorize up to two casino
7 locations subject to approval by voters in the affected counties
8 and provide for the authorization, operation, regulation, and
9 taxation of casino gaming.

10 For

11 Against".

12 3. Renumber the remaining section accordingly.

Senator Bourne filed the following amendment to LB 906:
AM3179

(Amendments to Final Reading copy)

- 1 1. On page 13, line 18, strike "GED" and insert "general
- 2 educational development certificate, except that the department

3 shall waive the education requirement for persons engaged in the
4 practice of body art prior to April 1, 2005, upon submission of
5 evidence satisfactory to the department".

MOTION - Adjournment

Senator Janssen moved to adjourn. The motion prevailed with 13 ayes, 7 nays, 7 present and not voting, and 22 excused and not voting, and at 5:33 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 2004.

Patrick J. O'Donnell
Clerk of the Legislature